IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.1161 OF 2007

Shri Ajit Laxmanrao Alkunte
and anr. : Petitioners.

versus

The State of Maharashtra & ors. : Respondents.

Mr.M.A.Utgikar for the petitioners.
Mr.R.S.Apte with Mr.A.S.Kulkarni for Respondent No.4.
Mrs.M.P.Thakur, AGP, for Respondent Nos.1 to 3.

CORAM : D.B.BHOSALE, J.

DATED : JULY 10, 2007.

P.C.

1. Heard Mr.Utgikar, learned counsel for the appellant, Mr.Apte, learned counsel for Respondent No.4 and Mrs.Thakur, learned AGP for the State.

2. By this writ petition the petitioners have impugned an order dated 16/8/2006 by which Revision No.176 of 2005 filed by the Respondent/society has been allowed by the State. In Revision, the respondent/society had impugned an order dated 19/3/2005 passed by the Divisional Joint Registrar, Co-operative Societies, Pune Division, Pune by which order dated 31/1/2004 passed by the Deputy Registrar, Co-operative Societies, Solapur amending Bye-law No.6 had been set aside. By amending Bye-law No.6, the society in its General Body Meeting increased an amount of share from Rs.100/- to Rs.1000/-.

3. In this petition, the Administrative Officer of the society has filed an affidavit stating that the society is ready and willing to give suitable instalments to those members whose balance amounts have remained to be paid to make the total Rs.1000/-. It has also been stated in the affidavit that out of 2796 members of the society, 1437 members have already paid the balance amount to complete the share amount of Rs.1000/-.

4. In view of this affidavit, Mr.Utgikar, learned counsel appearing for the petitioner, on instructions, prayed for withdrawal of the petition with liberty to the petitioners and the other similarly placed members to pay the difference of their share amounts by instalments.

5. In the circumstances I am satisfied that the following order will meet the ends of justice.

:ORDER:

As stated by the Respondent/society in its affidavit, it shall allow the members, who so far have not paid the difference of the share amount, to pay the difference by monthly instalments of Rs.100/- each. In any case, they will pay the difference of the share amount within one year, commencing from 1st August 2007.

With these observations, this writ petition is disposed of as not pressed.

It is needless to express that the

members shall not be expelled or their membership shall not be cancelled on the ground of non-payment of increased share amount until they make the payment as aforestated.

[D.B.BHOSALE, J]